

REMARKS

This is in response to the Office Action mailed September 22, 2009 in which claims 1-11 and 14-22 were pending and were rejected. In view of the following, reconsideration and allowance are respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1-7, 11, 14 and 19 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Alpdemir (U.S. Patent Publ. No. 2002/0035474) in view of Albayrak et al. (U.S. Patent No. 6,662,163 – hereinafter “Albayrak”) and further in view of Bangalore et al. (U.S. Patent Publ. No. 2005/0135571 – hereinafter “Bangalore”). Claims 8-10, 15-18 and 20-22 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Alpdemir in view of Albayrak and Bangalore, and further in view of Takebayashi et al. (U.S. Patent No. 5,357,596 – hereinafter “Takebayashi”).

Applicant would first like to discuss the rejection of independent claim 19. On page 3, the Office Action provides a summary of the §103 rejection in which three references (i.e., Alpdemir, Albayak, and Bangalore) are cited against a number of claims, including independent claim 19. However, in the subsequent pages of the Office Action (i.e., pages 3-17) the Examiner makes no mention of claim 19. More importantly, the pages of the Office Action are void of any discussion of the particular claim language recited in claim 19. In contrast to the requirements articulated in the Manual of Patent Examining Procedure (MPEP), the Examiner broadly cites the references but does not provide any detailed analysis of the rejection of the claim. MPEP § 2142 specifically states that:

“The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness.”

Regarding the establishment of a prima facie case of obviousness, MPEP § 2142 also states that:

“The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR International Co. v. Teleflex Inc., 550 U.S. __, __, 82 USPQ2d 1385, 1396 (2007) noted

that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also KSR, 550 U.S. at ___, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval)."

The alleged rejection of independent claim 19 is void of these requirements. Nowhere in the text of the Office Action is there any "clear articulation of the reason(s) why the claimed invention would have been obvious" (see MPEP 2142). The Office Action does not state which portions of the alleged combination of references are being applied to the specific language of claim 19, nor does the Office Action provide any articulated reasoning or rational as to why or how the references are being combined to rendered obvious the features of claim 19.

In order to make the basis for the rejection of claim 19 more clear, Applicant requests that the Examiner provide a detailed explanation of the basis for the rejection including an identification of the specific elements of the references that correspond to each of the claimed elements, and an explanation as to how the claimed elements are being interpreted such that they read on the identified corresponding elements. Applicant believes that such details are essential to properly understanding the Examiner's position and to narrow issues for appeal. Should the Examiner maintain the rejection of the claim, Applicant respectfully requests that the next Office Action be made non-final to provide Applicant an opportunity to respond to the Examiner's explanation and basis for the rejection.

Nevertheless, Applicant would like to point out that the incorporation of the Bangalore reference in the present Office Action does not cure the deficiencies of the references. Claim 19 specifically recites that the client module maintains a plurality of semantic items in an ordered list to store information related to responses received from the user and that the client module follows the selected order until a response is received from a user that includes additional information that is not an answer to a prompt that was given. The client module stores the additional information in one or more semantic items in the ordered list and the client module subsequently accesses the ordered list to depart from the selected order by providing an additional prompt for the additional information.

Alpdemir relates to a system for providing a telephone-based audio recognition system. Alpdemir defines a flow of questions to be answered in order by a user. Alpdemir allows a user to connect with “some automated help” (paragraph [0132]), but does not describe the “some automated help” in any detail. More importantly, Alpdemir clearly does not disclose that the cited “help” includes providing an additional prompt for additional information that was given (but was not an answer to the prompt that was given) or that a plurality of semantic items are maintained in an ordered list to store information related to responses. Alpdemir does mention an order list or suggest that an additional prompt can be provided, which departs from a selected order, for additional information that is stored in an ordered list.

Albayrak discloses a mobile client that includes a voice browser that interprets voice pages received from a server. A speech recognition engine is used to convert voice responses into texts such that the voice browser performs an action based on the text. Like Alpdemir, there is no mention in Albayrak of an ordered list of semantic items, storing additional information that is not an answer to a prompt, or departing from a selected order to provide an additional prompt for additional information as claimed.

The newly cited Bangalore reference also does not teach or suggest these features. Bangalore relates to a natural language interface to world-wide web content (see Abstract). In FIGS 2A-2C, and the associated portions of the description of Bangalore, it is disclosed that a Mapquest® webpage is provided to a user. Bangalore discloses that fields (i.e., fields 202, 204, 206; see FIG 2A) are provided for receiving user input. In paragraphs [0037]-[0053], Bangalore describes the voice dialogue interaction with a user. At each step the user provides an answer to the particular prompt provided on the webpage. For example, the user enters a city in the “city” field, a state in the “state” field, etc. As best can be gleaned from the disclosure of Bangalore, the user’s answer is, in each case, an answer to the prompt that was given and does not include additional information that is not an answer to a prompt. More importantly, Bangalore does not teach or suggest any concepts related to how additional information can be handled. With respect to the language of claim 19, Bangalore does not teach or suggest an ordered list of semantic items, storing information related to responses in an ordered list, or departing from a selected order to provide additional prompts for additional information stored in an ordered list, as claimed.

For at least the above reasons, Applicant respectfully submits that independent claim 19 is neither taught nor suggested by the cited references and is in allowable form.

With regard to independent claim 1, Applicant has amended claim 1 to further distinguish the claimed “selected order” and “additional prompt” from the cited help information in Alpdemir. In particular, claim 1 has been amended to recite “wherein the set of controls includes attributes that define a selected order for execution of the plurality of question controls to generate the markup for audible prompting of the plurality of questions in the selected order” and “the additional prompt relating to one of the plurality of question controls and obtaining a value for at least one field of the form before returning to the selected order.” The cited help information of Alpdemir clearly does not include such features. For instance, Alpdemir does not disclose that the help information is an additional prompt or that the help information is a prompt that relates to another question control in the selected order.

Thus, the alleged additional information (i.e., the help information) in Alpdemir is provided to the user in response to a help command (i.e., the user saying “help”) and is not provided as part of a user response where the response includes an answer to a particular prompt and additional information that is not an answer to the particular prompt. The help information is also not an additional prompt relating to one of the plurality of question controls as claimed. Moreover, the cited Albayrak and Bangalore references are also void of any teaching or suggestion of such features. For instance, in Bangalore a web page is provided having fields to be completed by a user (see FIG. 2B). Bangalore does not teach or suggest that additional information for a prompt can be received (with an answer to the prompt) and associated with semantic items or that an order of prompts can be departed from to provide an additional prompt that is related to one of the questions controls. Instead, the section of Bangalore cited in the rejection of claim 1 is directed to receiving information in fields of a form and population fields of a form with result data. There is no order of question controls where the order can be departed from (i.e., to ask a prompt for another one of question controls) when additional information is received. In fact, Bangalore does not discuss how additional information entered into one of the fields can be handled.

For at least the above reasons, Applicant respectfully submits that independent claim 1 is neither taught, suggested, nor rendered obvious by the cited references and is in allowable form.

With respect to independent claim 11, Applicant has amended claim 11 to recite:

"providing an additional prompt that is related to at least one other question control of the plurality of question controls, the at least one other question control being associated with a second field of the form, wherein providing the additional prompt is based on the one or more semantic items associated with the additional information and departs from the selected order of the question controls."

As similarly mentioned above, the cited references do not teach or suggest such features. For instance, the cited help information of Alpdemir is not an additional prompt that departs from a selected order of the question controls where the additional prompt relates to at least one other question control of the plurality of question controls.

For at least the above reasons, Applicant respectfully submits that independent claim 11 is neither taught nor suggested by the cited references and is in allowable form.

Further, Applicant submits that related dependent claims 2-10, 14-18, 20 and 22 are also in allowable form at least based on their relation to independent claims 1, 11, and 19, discussed above.

Conclusion

In view of the foregoing, it is submitted that all pending claims are in condition for allowance. Reconsideration and allowance of the application are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

MICROSOFT CORPORATION

By:


Christopher J. Volkmann, Reg. No. 60,349
One Microsoft Way
Redmond, Washington 98052-6399
Phone: (425) 707-9382

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